

Forest Practices Water Type Review Team Guidance

During 2010, the Department of Natural Resources (DNR) identified members of a steering committee to review DNR's procedure for processing Water Type Modification Forms. The steering committee was made up of representatives from the Upper Columbia United Tribes (UCUT), Department of Ecology (ECY), Department of Fish and Wildlife (WDFW), Northwest Indian Fisheries Commission (NWIFC) and the Yakama Indian Nation. The group agreed to a process using Water Type Review Teams in order to facilitate an effective and efficient way to manage the review, comment and decision making process. The process described below may be evaluated and adjusted in the future.

A flow chart and narrative was developed to illustrate the pathways a Water Type Modification Form (WTMF) can take after it has been accepted as complete by the DNR. It is important to recognize this flow chart is designed to accommodate both straightforward and contentious WTMFs. A high percentage of the WTMFs are non-controversial and get approved after going through the first few steps. However, a small percentage may need to go through many of the steps to reach resolution. Reading the descriptions of each step reduces the "at first glance" complexity of the flow chart.

The flow chart is the road map of the process reviewers will follow. The most significant piece of this review process is the implementation of Water Type Review (WTR) Teams. The concept is reviewers (DNR, tribes, ECY, and WDFW) in each DNR Region will meet to form one or more WTR Teams. Each WTR Team, consistent with the guidance provided herein, will develop ground rules, communication standards, a method for prioritization and frequency of meetings. WTR Teams will develop clear, written procedures for processing single WTMFs and large batch submissions of WTMFs. Self-forming and self-determination of the WTR Teams is important because while this guidance provides a uniform process, there is far too much variability in demographics, geography and existing relationships to create absolute uniformity across the state.

The newly formed WTR Teams are intended to provide increased collaboration, communication, and transparency of decision making and provide better access to the process. Through this Team approach, the demands on one individual may be reduced due to sharing of responsibilities, relying on other WTR Team members, and decreasing duplication of work. No organization has enough people and site specific knowledge to adequately review each WTMF submitted. So when WTR Teams develop operating plans to implement the WTR Team concept, those plans are intended to allow each organization to focus their limited resources where they will do the most good.

While DNR remains the regulatory decision maker on water typing, it is not intended DNR make these decisions absent consultation with the tribes and other resource agencies. The stature of each member and organization on a WTR Team is enhanced through active participation and collaboration. As an example, it is envisioned the WTR Team could decide to assign particular members to be the default or "first called" by DNR for water typing expertise in specific geographic areas. This may be more efficient and effective than a WDFW biologist being the default for an entire Region. Such an assignment of responsibilities would be a decision made by the WTR Team.

The WTMF review process will also incorporate the following procedures:

- Review of WTMFs and water type decisions shall be based on the Forest Practices Rules, the Board manual, established protocols and Forest Practices Division guidance. All decisions must adhere to this approach to withstand an appeal.
- The goal of the process is to reach consensus, but ultimately DNR has the regulatory obligation to make a decision if consensus is not reached on a WTMF.

- When WTMFs are received by the DNR and determined to be complete:
 - Those not associated with a forest practices application/notification (FPA/N) will be scanned and sent electronically through the WTMF Tracking Application (WTA) database to all WTR Team members.
 - Those associated with an FPA/N shall be scanned and entered into the Forest Practice Application Review System (FPARS) as part as the FPA. The WTMF will be scanned without the FPA and sent electronically through WTA to all WTR Team members. These WTMFs have the highest priority for processing.
- FPA/N(s) with associated WTMF(s) won't be approved prior to 30 days without comments or attempts to gather comments from all reviewers, unless the FPA/N(s) provide protection that equals or exceeds what would be required for the highest potential water type for the water in question.
- For batch and other non-FPA/N associated submissions, the WTR Team will prioritize the WTMFs for review and establish the organization and timeline for the review.
- Once a WTMF review has been officially initiated, the forms will be assigned a 30 day deadline for comments. However, submissions of large numbers of WTMFs must be prioritized and divided into smaller batches. The WTR, based on communication with the Team, will determine a reasonable timeframe to initiate and complete reviews within 30 day cycles for each small batch.
- When there is not concurrence among the WTR Team members, DNR's concurrence or non-concurrence of WTMFs will not occur unless a field review and additional discussion(s) to reach agreement through an ID Team(s) has taken place. If field reviews are required, the WTR Team would assist in determining who would be needed on the interdisciplinary review (ID) Teams.
- When concurring or non-concurring a WTMF, all WTR Team members will document the basis for the action within WTA. All WTR Team member responses and comments are available via the WTMF Decision Summary Page in WTA.
- Per Board Manual Section 13, landowners, organizations, and contractors should discuss their plans and methodology with the WTR Team prior to conducting a field survey. Otherwise, submissions that do not meet protocol survey standards may be rejected.
- Proponents of WTMFs (landowners, contractors and others) will be informed some WTMFs may not be acted upon until seasonal conditions allow an adequate field review. They will be encouraged to resubmit WTMFs at times when sites are accessible for field review.
- When submitting WTMFs, not associated with FPA/Ns, landowners are encouraged to identify those WTMFs where operations may be planned in the near future. This will aid the prioritization process.
- Landowners and other proponents of WTMFs shall be kept apprised of the status of WTMF reviews for water on their ownerships, including need for an ID Team site visit.
- When a WTMF is submitted by someone other than the large forest landowner, or their contractor, the large forest landowner will be invited to participate in the review.

- WTR Teams should develop After Action Reviews or other assessments to evaluate Team performance and modify, within these guidelines, their procedures as necessary.

WTR Team Process Narrative

- **Pre-Season** - Prior to the project season, large landowners should consult with the WTR Team. Consultation with WDFW, ECY, affected Tribes, and DNR should occur prior to the survey effort. This allows for a clear understanding of the process and expectations of the parties involved. This also provides an added benefit to the landowner by saving survey time and money through reduction of non-concurrences due to miscommunication or lack of communication on WTMFs. Consultation meetings should be well documented by DNR with an Informal Conference Note.
- **Step 1 - Preparation** - Proponent/Contractor prepares the Water Type Modification Form (WTMF), supplies all information per the form; and submits the proposal to DNR.
- **Step 2 - Initial submittal review** - DNR Forest Practices reviews the proposal to ensure that the WTMF paperwork packet is complete and accurate and ready for stakeholder review. The packet should contain all of the information requested in the WTMF instructions. If the packet is not complete or inadequate/unclear communication is provided, it will be returned to the proponent for further information and subsequent resubmittal.
- **Step 3 - Processing of proposal** - Proposal packet is assigned a WTMF number, is scanned, and WTR Team members are notified via WTA for the members responsible for the geographic area the proposal lies within.
- **Step 4 - Prioritizing Batches** - Submissions of large numbers of WTMFs must be prioritized and divided into smaller batches where, based on communication with the WTR Team, it is determined the reviews can be initiated and completed within 30 day periods for each grouping. If the proposal is not part of a large stream typing effort, for example a small landowner or a single water typing issue associated with an FPA/N, this step may be bypassed.
- **Step 5 - Concurrence review** -
 - If the WTMF is not part of an FPA/N: Within the first 30 days, the WTR Team will use local knowledge, current fish distribution databases, GIS, and previous WTMFs in the area to evaluate the proposal for accuracy and acceptability. A response of concur or non-concur (further questions/clarification are documented initially as non-concur) is then entered into WTA by each WTR Team member (including their professional analysis supporting the concurrence/non-concurrence). If concurrence is reached with all reviewers the proposal is concurred. If concurrence is not reached with reviewers, the reviewer(s) will document within WTA their professional analysis for non-concurring. The Forest Practices Forester will contact the landowner for further information, if applicable.
 - If the WTMF is part of an FPA/N: The timeline for decision on the WTMF will be tied to the timeline of the FPA/N. If insufficient knowledge exists among WTR Team members to concur with the WTMF within the required 30-day review period and it is not possible to conduct a field review or

receive clarifying information needed from the proponent, the WTMF will be non-concurred with and returned to the applicant for resubmittal. The FPA/N will need to be withdrawn or disapproved.

- **Step 6 - Concurrence office discussion** - Remaining WTMFs with questions/concerns are discussed amongst the WTR Team. Local knowledge is evaluated, proponent's answers to questions are discussed, and maps/GIS layers are examined. Any written comments from the WTR Team will be documented in WTA. If concurrence is reached, then the proposal is concurred with and all WTR Team comments are viewable through the WTMF Decision Summary Page in WTA.
- **Step 7 - Field Visit** - A field visit occasionally occurs earlier in the process in an attempt to quickly answer a question and to speed up concurrence. If the WTMF has progressed through the previous steps to this point and before a final determination is made, a field visit can be made with the WTR Team, the proponent and their consultant, if desired. Any written comments from the WTR Team will be documented in WTA. If concurrence is reached, then the proposal is concurred with and all WTR Team comments are viewable through the WTMF Decision Summary Page in WTA.
- **Step 8 - Field Conditions not conducive to field visit** - If an adequate field review of the WTMF by the WTR Team is not possible due to field conditions, (e.g. site covered by snow, wildland fire) the WTMF site visit will not be held and DNR will document information in WTA. If the WTMF is attached to an FPA/N, the landowner will have the option of withdrawing the FPA/N or amending the FPA to protect the stream at the higher order stream type classification until the site can be evaluated.
- **Step 9a - Non-concurrence Withdrawal/Disapproval** - If concurrence has not been reached in the field, the proponent has the option of withdrawing the proposal and resubmitting. The proponent can resubmit the proposal, taking into account the discussions and findings of the WTR Team during the site visit. If the landowner does not wish to withdraw and resubmit, the DNR forester may non-concur with the proposal or disapprove the FPA, if applicable.
- **Step 9b - Non-concurrence DNR Approval** - In the situation where concurrence cannot be reached within the WTR Team, the DNR forester may concur with the proposal if it meets the Forest Practices Rules, Board Manual Section 13, and current guidance. In this situation, the DNR forester will document their decision with an explanation in WTA. WTA will automatically distribute the decision along with the DNR forester's explanation to all WTR Team members. The DNR forester's explanation, as well as all other WTR Team member comments, are also viewable through the WTMF Decision Summary Page in WTA.

